RULE 7.1 MOTIONS IN CIVIL CASES

(f) Supplemental Authorities. If pertinent and significant authorities come to a party's attention after the party's final brief has been filed -- or after oral argument but before a decision -- a party may promptly advise the court clerk by letter filed on the CM/ECF system, with a copy to all other parties, setting forth the citations. The letter must state reasons for the supplemental citations, referring either to the page of the brief or to a point argued orally; if the supplemental citations refer to a brief, the letter must be linked in the ECF system to that brief. The body of the letter must not exceed 350 words. Any response must be made within 5 business days and must be similarly linked and limited.

RULE 16.2

PRETRIAL CONFERENCES

(b) Procedure at Pretrial Conferences. In most cases, the court will conduct a pretrial conference after discovery is complete and before the filing of dispositive motions (e.g., for summary judgment). If the case remains at issue after dispositive motions have been decided, the judge who will preside at trial usually will conduct another pretrial conference (or conferences) to formulate a trial plan to facilitate the admission of evidence at trial; the court will set deadlines for filing and ruling on any objections to final witness and exhibit disclosures and deposition designations, motions in limine, proposed instructions in jury cases, proposed findings of fact and conclusions of law in non-jury cases, and any other matters calculated to make trial more efficient.

....

- (e) Witness and Exhibit Disclosures. At times ordered by the court under Fed. R. Civ. P. 16(b) and (c)(1)(G), the parties will exchange and file witness and exhibit disclosures pursuant to Fed. R. Civ. P. 26(a)(3).
- (1) Content of Disclosures. Witness disclosures shall set forth the address of each witness, as well as the subject matter about which that witness is expected to testify. Witness and exhibits disclosed by one party may be called or offered by the other party. If a witness or exhibit appears on a final Rule 26(a)(3) disclosure that has not previously been included in a Rule 26(a)(1) disclosure (or timely supplement thereto), that witness or exhibit probably will be excluded at trial. See Fed. R. Civ. P. 37(c)(1). This restriction does not apply, however, to rebuttal witnesses or documents, the necessity of which could not reasonably be anticipated as of the deadline for filing final witness and exhibit disclosures. The parties' disclosures shall also specifically identify specific deposition exhibits to be used. Witnesses expected to testify as experts shall be so designated.

RULE 56.1

MOTIONS FOR SUMMARY JUDGMENT

Any represented party moving for summary judgment against a party proceeding pro se must serve and file as a separate document, together with the papers in support of the motion, the following "Notice To Pro Se Litigant Who Opposes a Motion For Summary Judgment" with the full texts of Fed. R. Civ. P. 56 and D. Kan. Rule 56.1 attached. Where the pro se party is not the plaintiff, the movant must amend the form notice as necessary to reflect that fact.

Notice To Pro Se Litigant Who Opposes a Motion For Summary Judgment

The defendant in this case has moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. This means that the defendant has asked the court to decide this case without a trial, based on written materials, including affidavits, submitted in support of the motion. The claims you assert in your complaint may be dismissed without a trial if you do not respond to this motion on time by filing sworn affidavits and/or other documents as required by Rule 56(c) of the Federal Rules of Civil Procedure and by Local Rule 56.1 of the U.S. District Court for the District of Kansas. The full text of these two rules is attached to this notice.

In short, Rule 56 provides that you may not oppose summary judgment simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in

evidence at trial. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion for summary judgment.

If you do not respond to the motion for summary judgment on time with affidavits and/or documents contradicting the material facts asserted by the defendant, the court may accept defendant's facts as true, in which event your case may be dismissed and judgment entered in defendant's favor without a trial.